IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

HON'BLE Mr. JUSTICE R. SUBHASH REDDY

Writ Petition Nos.9355, 9582, 9583, 9584, 9585, 9593, 9615, 9618, 9624, 10032 and 10325 of 2007

Dated: August 23, 2007

W.P.No.9355 of 2007

Between:

Salman Zubair Mohammed, S/o. Abdul Rab Rahmani, Aged about 19 years, R/o.17-6-332/1, Dabirpura, Hyderabad, and others.

... Petitioners

And

Government of Andhra Pradesh, rep. by its Principal Secretary, Higher Education Department, Secretariat Buildings, Hyderabad, and others.

... Respondents

Common Order:

Since the issue involved in all the writ petitions is inter-related, they are being disposed of by this common order.

Petitioners, students of Engineering course, have filed

these writ petitions seeking Mandamus to declare the action of the respondents in not approving their admissions relating to the aforesaid course as illegal and arbitrary and a consequential direction to the respondents to approve their admissions.

I have heard learned counsel appearing for petitioners, learned Government Pleader for Higher Education, Mr. Sudesh Anand for the A.P. State Council of Higher Education and Mr. Rathangapani Reddy for Jawaharlal Nehru Technological University.

Petitioners were admitted into Engineering course in the Management Quota in the respective colleges. However, their admissions were not approved by the A.P. State Council of Higher Education on the ground that they did not possess requisite percentage of marks, i.e. 50%, in the qualifying examination and they were not allowed to sit for examinations of I year. At that stage, petitioners approached this court.

This court, while admitting the writ petitions passed interim orders directing the respondents to permit the petitioners to appear for I year examinations, however, results were directed not be announced.

When the matters are taken up, today, learned Government Pleader appearing for Higher Education has produced a copy of G.O.Rt.No.694 dated 18-08-2007 issued by the Government wherein representation dated 12-01-2007 made by the Federation of A.P. Minority educational institutions was considered and orders were issued directing the A.P. State Council of Higher Education to approve irregular admissions made in the list of engineering

colleges appended thereto, by condoning the requirement of a minimum of 50% marks in the qualifying examination (10+2) subject to the following conditions:

> "(i) A penalty at the rate of Rs.13,000/- per irregular admission made in excess of the number of seats approved by the Government be imposed and the amount be paid to the A.P. State Council of Higher Education;
>
> (ii) Written undertaking be given by the concerned Management not to repeat such irregularity in future failing which their affiliation to the University would be liable for cancellation;
>
> (iii) An undertaking to be given by the concerned Management for reduction of equal number of seats from 'B' category in the year 2007-08, which will be filled up through single window counseling."

In view of the aforesaid G.O. issued by the Government, further examination of the grounds raised by the petitioners in these writ petitions is not necessary.

In the circumstances and for the reasons stated above,

I dispose of this batch of writ petitions directing the respondents to approve the admissions of the petitioners herein, announce the results of the examinations they have written pursuant to the interim orders of this court and allow them to continue further studies, subject to the condition that the respective institutions/managements, which have admitted them, comply with the conditions, laid down in G.O.Rt.No.694 dated 18-08-2007, which are extracted supra. No order as to costs.

JUSTICE R. SUBHASH REDDY.

August 23, 2007
N.B. **Furnish C.C. in two days**
B.O.
MRR